S.B. CR.MISC.BAIL APPLICATION NO.4089/2007.
Shishu Pal Singh and anr. Vs. State
Date of Order : 21/6/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ,
Vacation Judge

Mr. Rakesh Kumar for the petitioners.
Mr. B.L. Awasthi P.P. for the State.

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Heard learned counsel for the petitioners, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioners argued that originally the police had given Final Report in the matter but subsequently the court took cognizance against the petitioners as well as Ved Prakash for offence u/s. 420 IPC. Initially, the petitioners were summoned by bailable warrants but they were never served upon the petitioners. When the petitioners did not appear, non-bailable warrants for their appearance before the Court were eventually issued. On merits of the case, it is argued that the allegation of receiving money to get the complainant employed was against Ved Prakash and not against the accused-petitioners for whom it is alleged that Petitioner No.1 told the complainant that his brother, Petitioner No.2 secured employment through Ved Prakash. No money, as such, was paid to the petitioners which is why they were originally summoned by bailable warrants. Since the trial is already under progress, arrest of the petitioners would not

serve any purpose except their production before the trial court. They on their own willing to face the trial.

Learned Public Prosecutor while opposing the bail application submits that the petitioners are not entitled to bail.

Without expressing any opinion on the merits of the case but taking into consideration the facts and circumstances of the case and the aforenoted arguments, I deem it appropriate to direct that the non-bailable warrants issued to the petitioners should stand converted into bailable warrants, with the stipulation that the petitioner shall appear before the trial court on 2.7.2007 and shall furnish personal bond in the sum of Rs.30,000/- with two sureties each in the sum of Rs.15,000/- undertaking to appear before that Court, on all subsequent dates of hearing / as and when called upon to do so and shall not leave India without previous permission of the Court. In case of their failure to appear before that Court on 2.7.2007 the non bailable warrants issued to them shall stand revived.

(MOHAMMAD RAFIQ), VJ.

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